



MINUTES OF THE MAYOR AND COUNCIL REGULAR MEETING OF APRIL 27, 2011

The Regular Meeting of the Mayor and Council, of the Borough of Atlantic Highlands, was held on April 27, 2011 in the public meeting room of Borough Hall, 100 First Avenue Atlantic Highlands NJ.

Council President Fligor called the meeting to order at 7:00 PM. After a silent prayer and the Pledge of Allegiance, the following roll call was taken:

Roll Call Of Atlantic Highlands Governing Body:

Councilman J Archibald, Councilman R Dellosso, Councilman P Doyle, Councilman L Fligor,
Councilman J Hoffmann and Councilman R Sutton

ABSENT: None.

OTHERS PRESENT: Borough Engineer D Marks, Borough Attorney B Reilly and Municipal Clerk D Harris.

Mr. Harris stated that notice of this meeting has been transmitted to the Asbury Park Press and the Two River Times, continuously posted in the Borough Hall on a bulletin board reserved for such announcements, and filed with the Municipal Clerk of Atlantic Highlands, on 1/03/2011. He read the "Open Public Meetings Act" compliance statement and stated that formal action would be taken.

PROCLAMATION – NAMING APRIL 29, 2011 ARBOR DAY:

Council President Fligor read the following proclamation and then presented it to Kathleen Wigginton, of the AH Shade Tree Commission:

P R O C L A M A T I O N
of the Borough of Atlantic Highlands

ARBOR DAY
April 29, 2011

WHEREAS In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and,

WHEREAS, this holiday called Arbor Day, which was first observed with the planting of more than a million trees in Nebraska, is now observed thorough out the nation and the world; and,

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, trees reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and,

WHEREAS trees in our Borough increase property values, enhance the economic vitality of business areas, beautify our community and are a source of joy and spiritual renewal; and,

WHEREAS Atlantic Highlands has been recognized as a Tree City USA by The National Arbor Day Foundation and desires to continue its tree-planting practices,

NOW, THEREFORE, I Frederick J. Rast III, Mayor of the Borough of Atlantic Highlands do hereby proclaim April 29, 2011 as Arbor Day in the Borough of Atlantic Highlands, and urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands.

REPORTS – COUNCIL, ADMINISTRATION, PROFESSIONAL, OTHER

Councilman Archibald – Had no report.

Councilman Hoffmann reported that the Harbor is soliciting for donations to improve the fireworks this Fourth of July. It is a rough year with the economy. He noted that people are in the Harbor and looking at their boats and trying to get them into the water. This weekend should be good weekend weather wise. He reported the Fire Dept is vigorously working over at the Fireman's field trying to do the implosion, that was explained a couple of weeks ago, as well as installing the sprinklers, which needs to be done at the same time.

Councilman Doyle reported that everyone is invited to the Memorial Day Parade, which is on May 30th at 11:00am. All organizations are free to participate. He will have more details later.

Councilman Dellosso - Had no report.

Councilman Sutton – Had no report.

Attorney Reilly advised everyone that the Borough closed on the sale to Beskin and received \$39,000.00 for the sale of the property.

Engineer Marks reported that the 2009/2010 Road Program is well under way. JADS [the contractor] is currently ahead of schedule and a little below budget. He anticipates final paving to be done in the end of July. Streetscape Phase IV is going well. The contractor is currently beyond his completion date but he anticipates they will be done within the next four weeks. They are pressing him to keep crews on and increase the number of men working. He reported the 2007 Road program has a few miscellaneous items that need addressing, which will be taken care of during the current road program.

Clerk Harris had no report.

WORKSHOP DISCUSSION: None

PUBLIC COMMENTS

Dale Distassio – 26 Navesink Ave spoke to the Council regarding a fence she has on her property. She is on a corner lot and was told she cannot put a 6 foot fence along her back yard. She is told she can only put a 4 foot fence on her property because she is on a corner lot. She showed pictures of residences that are on corner lots that have six foot fences. She states that people walking by her home are so close that they can look in and see what is on her dinner plate. She was told that she can go to the Planning Board and get a variance. She feels that is a crap shoot because there is no guarantee she would get one. She

has made a huge investment in town and wants to know why she has to follow rules that others have not.

Paul Cavise 26 E. Washington Ave asked if he heard the attorney correct that the State mandated ordinance 07-2011, which deals with suspending the open space tax.

Jane Frotton – 12 Memorial Pkwy asked if there was a set fee to go to the [Planning] Board for a fence or is the fee negotiable.

James Krauss – 77 Bayside Dr. commented on the Memorial Service for Paul Boyd and what a wonderful program it was. He also mentioned Jackie Royse had attended and she possesses an electronic version of “Our Town”, which will enable us to maintain our Sustainable NJ status.

Chief Vasto reported on Police activity in town. He reported that on Saturday there will be an opportunity for anyone with unwanted drugs to drop them off at Borough Hall.

Kathleen Wigginton – Shade Tree Commission, complimented the Fire Dept on their work on Fireman’s Field. Shade Tree has, on several occasions, offered to help them with plantings, which have always been rejected. She would like the Council to persuade them to accept their assistance.

William Phillips – Memorial Pkwy responded to the comments made by Mrs. Wigginton and further explained the position of the Fire Dept regarding the availability of funds and their practical use.

OLD BUSINESS:

RESOLUTION 061-2011- ALLOWING 2011 BUDGET TO BE READ BY TITLE

A motion to adopt this resolution was offered by Councilman R Sutton and was duly seconded by Councilman R Dellosso

This motion was passed by the following vote:

Ayes:	Councilman J Archibald, Councilman R Dellosso, Councilman P Doyle, Councilman L Fligor, Councilman J Hoffmann and Councilman R Sutton (6)
Nays:	None (0)
Abstain:	None (0)
Absent:	None (0)

PUBLIC HEARING – 2011 MUNICIPAL BUDGET

A motion to open the public hearing was offered by Councilman R Sutton and was duly seconded by Councilman J Hoffmann

This motion was passed by the following vote:

Ayes:	Councilman J Archibald, Councilman R Dellosso, Councilman P Doyle, Councilman L Fligor, Councilman J Hoffmann and Councilman R Sutton (6)
Nays:	None (0)
Abstain:	None (0)
Absent:	None (0)

Tom Fallon, Borough Auditor, and Gerard Gagliano, Treasurer, were present to make a presentation on the 2011 municipal Budget and answer any questions.

No comments came from the public

A motion to close the public hearing was offered by Councilman R Sutton and was duly seconded by Councilman J Hoffmann

This motion was passed by the following vote:

Ayes: Councilman J Archibald, Councilman R Dellosso, Councilman P Doyle, Councilman L Fligor, Councilman J Hoffmann and Councilman R Sutton (6)
Nays: None (0)
Abstain: None (0)
Absent: None (0)

RESOLUTION 062-2011, AMENDING THE 2011 MUNICIPAL BUDGET

Council President Fligor read this Resolution in its entirety as required by Statute.

A motion to adopt this resolution was offered by Councilman R Dellosso and was duly seconded by Councilman J Hoffmann

This motion was carried by the following vote:

Ayes: Councilman J Archibald, Councilman R Dellosso, Councilman L Fligor, Councilman J Hoffmann and Councilman R Sutton (5)
Nays: Councilman P Doyle (1)
Abstain: None (0)
Absent: None (0)

RESOLUTION 071-2011, ADOPTING 2011 MUNICIPAL BUDGET

A motion to adopt this resolution was offered by Councilman R Dellosso and was duly seconded by Councilman J Hoffmann

This motion was passed by the following vote:

Ayes: Councilman J Archibald, Councilman R Dellosso, Councilman L Fligor, Councilman J Hoffmann and Councilman R Sutton (5)
Nays: Councilman P Doyle (1)
Abstain: None (0)
Absent: None (0)

NEW BUSINESS:

ORDINANCE 07-2011 – NON-BINDING REFERENDUM SUSPENDING THE OPEN SPACE TAX

A motion to introduce this Ordinance was offered by Councilman J Hoffmann and was duly seconded by Councilman R Dellosso

This motion was passed by the following vote:

Ayes: Councilman J Archibald, Councilman R Dellosso, Councilman P Doyle, Councilman L Fligor, Councilman J Hoffmann and Councilman R Sutton (6)
Nays: None (0)
Abstain: None (0)
Absent: None (0)

Public Hearing and possible adoption of this Ordinance is scheduled for May 25, 2011.

RESOLUTION 063-2011, EMERGENCY TEMPORARY APPROPRIATIONS

This item was not entertained due to the adoption of the 2011 Municipal Budget.

RESOLUTION 064-2011, EXTENSION OF CONTRACT FOR ELI GOLDSTEIN

A motion to adopt this resolution was offered by Councilman R Dellosso and was duly seconded by Councilman J Hoffmann

This motion was passed by the following vote:

Ayes: Councilman R Dellosso, Councilman P Doyle, Councilman L Fligor, Councilman J Hoffmann and Councilman R Sutton (5)
Nays: Councilman J Archibald (1)
Abstain: None (0)
Absent: None (0)

RESOLUTION 065-2011, AUTHORIZING CONTRACT FOR INSTALLATION OF SPRINKLER SYSTEM

A motion to adopt this resolution was offered by Councilman J Hoffmann and was duly seconded by Councilman P Doyle

This motion was passed by the following vote:

Ayes: Councilman J Archibald, Councilman R Dellosso, Councilman P Doyle, Councilman L Fligor, Councilman J Hoffmann and Councilman R Sutton (6)
Nays: None (0)
Abstain: None (0)
Absent: None (0)

CONSENT AGENDA: These items were enacted by one motion. If detailed deliberation was desired on any item, Council could have it removed from the consent agenda and considered it separately

- i. Resolution 066-2011, Changer Order #32 – Santorini Construction
- ii. Resolution 067-2011, Changer Order #33 – Santorini Construction
- iii. Resolution 068-2011, Changer Order #34 – Santorini Construction
- iv. Resolution 069-2011, Changer Order #35 – Santorini Construction
- v. Resolution 070-Payment of Bills

A motion to adopt the consent agenda was offered by Councilman J Hoffmann and was duly seconded by Councilman J Archibald

This motion was passed by the following vote:

Ayes: Councilman J Archibald, Councilman R Dellosso, Councilman P Doyle, Councilman L Fligor, Councilman J Hoffmann and Councilman R Sutton (6)

Nays: None (0)

Abstain: None (0)

Absent: None (0)

PUBLIC COMMENT SESSION –

Kate Wigginton - 62 Avenue D asked why the Borough shares the sprinkler system. She asked if the open space referendum had been approved in 1998. She asked if anyone has started a petition to appeal it and wanted to know if the money maintained in the fund will still be used for the maintenance of parks and open space.

Jim Krauss – 77 Bayside Drive, made a few comments on the budget. He is concerned about the \$860,000 the town is using to balance the budget over the next two years. He suggested the schools decrease their tax and utilize that to offset the Borough Taxes.

Chief Vasto – 4 Wesley Ave, asked if any of that money [Open Space Tax] has been used for Fireman’s Field. He also commented that council has not been down to sit with him to discuss the impact of doing away with the dispatchers. He feels that he should be able to explain the impact of doing that, before any decision is made. He finally invited the council members to come down and drive the police cars to see how bad they are.

Paul Cavise – 26 E. Washington Ave commented that he is embarrassed to hear what the Chief is saying and feels he [Chief Vasto] needs an apology.

William Phillips - Memorial Pkwy, asked what a referendum costs? He commented also that there are three Council people on every committee. He feels that if the Council has an agenda they should share will all members of the body.

RESOLUTION TO ENTER EXECUTIVE SESSION

WHEREAS, the Open Public Meetings Act P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and,

WHEREAS, this public body is of the opinion that such circumstances presently exist; and,

WHEREAS, the Governing Body wishes to discuss:

- 1. **Item**-Personnel-Library Personnel Transition
- 2. **Item-Litigation** - Harmon vs. Atlantic Highlands
- 3. **Item** - Property Acquisition

Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes will be made public.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council to go into Executive Session to discuss the above items and the public is excluded from this meeting.

At 9:09pm, motion to enter executive session was offered by Councilman R Sutton and was duly seconded by Councilman R Delloso

This motion was passed by the following vote:

Ayes: Councilman J Archibald, Councilman R Delloso, Councilman P Doyle, Councilman L Fligor, Councilman J Hoffmann and Councilman R Sutton (6)

Nays: None (0)

Abstain: None (0)

Absent: None (0)

ADJOURN - There being no further business before the Mayor and Council, a motion to adjourn was offered by Councilman R Sutton and was duly seconded by Councilman R Delloso

This motion was passed by the following vote:

Ayes: Councilman J Archibald, Councilman R Delloso, Councilman P Doyle, Councilman L Fligor, Councilman J Hoffmann and Councilman R Sutton (6)

Nays: None (0)

Abstain: None (0)

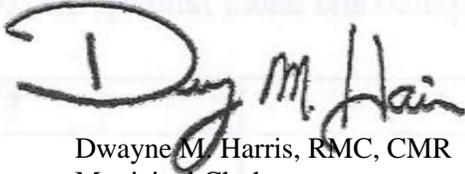
Absent: None (0)

A motion, to approve these minutes, was offered by Councilman R Dellosso and was duly seconded by Councilman L Fligor

This motion was passed by the following vote:

Ayes:	Councilman J Archibald, Councilman R Dellosso, Councilman P Doyle, Councilman L Fligor, Councilman J Hoffmann and Councilman R Sutton (6)
Nays:	None (0)
Abstain:	None (0)
Absent:	None (0)

I, Dwayne M, Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be the action of the Governing Body at its meeting held May 25, 2011.

A handwritten signature in black ink that reads "Dwayne M. Harris". The signature is written in a cursive style with a large, looped initial "D".

Dwayne M. Harris, RMC, CMR
Municipal Clerk